

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

U.S. DISTRICT COURT
EASTERN DISTRICT - WI
FILED

2020 OCT 19 A 8:41

CLERK OF COURT

Tyrone Ferguson Sr.

Vs.

Smart Warehousing

Alan Infante

20-C-1587

This is my very strong reasons for appeal

On March 11, 2020, I was terminated from my employment. I believe that Respondent discriminated against me on the basis of my sex (male), age (1962) and retaliation for my complaint of harassment and whistleblowing complaint, in violation of Title VII of the Civil Rights Act of 1964, as amended and Section 704(a) and the Age Discrimination in Employment act of 1967, as amended and Section 4(d).

**On 4/7/20 the State of WI
Department of Workforce Development
Unemployment Insurance Division**

**Said THE EMPLOYEE'S DISCHARGE WAS NOT FOR MISCONDUCT OR SUBSTANTIAL FAULT
CONNECTED TO HIS EMPLOYMENT**

**THE EMPLOYEE WAS DISCHARGED FOR PULLING THE WRONG ITEMS. THIS IS NOT
MISCONDUCT OR SUBSTANTIAL FAULT AS THE EMPLOYER DID NOT PROVIDE EVIDENCE
THE VIOLATION ACTUALLY OCCURRED. Exhibit 2**

**Since Smart Warehousing been open they never had a policy workers hand book.
The reason why is because they make up the rules as they go along the rules constantly changes.**

**On 8/14/2020 I received a letter from the EEOC Investigator Drake Van Thiel
Said the employer (Respondent) did not submit any documents.**

**Mr. Drake Van Thiel said that Smart Warehousing did not respond to any of my allegations. Smart
Warehousing completely ignored my allegations that I made on May 1, 2018
In 2019, Respondent forced me to sign disciplinary warnings for alleged performance reasons that I did not
agree with. In 2019, I complained about my supervisor subjecting me to harassment and other
inappropriate behavior. Exhibit 2 & 3**

Supervisor Alan Infante stated doing the same thing that Myles Gibson was doing favoring females.

And he would favor Mexicans more than Blacks **Exhibit 1 C.D Track2**
Smart Warehousing has no policy workers hand book.

In 2018 Mark Barari, Smart Warehousing Exclusive director, talked to me about someone had said I had curse someone out. This did not happen.

I tried explaining to him that this did not happen and he replied just sign the papers it really doesn't mean anything it just let them know I spoke to you about the situation.

In 2018 after that incident I was put into some unusual row positions.

A lot of physical work labor. I was instructed not to drive forklift.
I was put in this position to make me quit doing hard labor but I still continue to work.

As I worked on the pick line a young man name Austen a Caucasian male was on the line for a very short period of time he did not know anything about forklift driving they took him off the line groom him And taught him how to drive all the lift trucks. And he almost **KILLED ME!** If it wasn't for Shema telling him to **STOP! HE WOULD OF CRUSH ME!**

In 2018 Smart warehousing new supervisor Myles Gibson very reckless young man was a liability.

He would have races with other employees inside the warehouse he would clam the ceilings in the warehouse he toke pallets and made them into safety cages to lift people up in the warehouse. Exc. He would favor females more than me. **Exhibit 6 is a Picture of forklift cage band and shrink wrapped to a forklift.**

Mark Barari said to me SWH likes working with females because they're easy to control.

Sharita Moses told me Myles Gibson was sleeping with a code worker.
Her name was Jessica and I talked to Jessica about that and she confirmed it.

Sharita Moses was drinking at work and sleeping with a code worker me and Shema talked to Sharita Moses about that.
Exhibit 1 C.D Track2

In 2019 Gregory Ladich SWH General Manager and I and everyone at SWH witness Myles Gibson Cursing out every one at SWH.

And Myles Gibson was not fired.

In 2019 I talked to Myles and asked him to stop sending pictures of a penis to Jennifer and Jennifer confirmed it.
He got upset and went around in the warehouse asking who told me and who showed me. Quincellia Johnson had an argument in front of Myles Gibson two females Myles Gibson Said nothing.

Sharita Moses curse me out in front of Myles Gibson he sent me home and nothing happened to Sharita Moses.

And SWH has cameras to proof this on that day i did nothing wrong.

Myles Gibson continues to harass me and Gregory Ladich did nothing.

In 2019 Shema had a very serious accident on the reach truck damaging over thousands of dollars' worth of merchandise and she was not fired. Again SWH favoring females. I DID NOT damage over thousands of dollars' worth of merchandise. Shema did, she cost them money and time and man power. **Exhibit 4 & 5 two pictures of Shema serious accident.**

Smart warehousing gave her a Supervisor position. This is proof that SWH favorite females more than me.

In 2020 Quincellia Johnson curse Myles out badly she said these things in front of everyone he Sucks dick he gets fuck in the ass. And Quincellia Johnson was not disciplined.

Myles Gibson made appropriate videos in the warehouse.
I have videos and pictures to prove this happen I can email the videos to the courts and I have text messages to support what happen at Smart warehousing. **Exhibit 3 three picture of Myles Gibson acting up at work and I have videos of this.**

Myles Gibson said nothing and did nothing I talked to Myles Gibson about these matters.

And he did nothing and said nothing that was the last straw.

I call H.R. and i explain to them everything was going at Smart Warehousing and Myles Gibson.
Exhibit 1 C.D. Track 4

Alan Infante and SWH made up a story on March 11, 2020, and 3/5/20 and 3/6/20 and on 3/9/20 about UPC labels this isn't true. Since Smart Warehousing been open they never had a policy workers hand book. The reason why is because they make up the rules as they go alone, the rules constantly changes.

However SWH process on any RIGHT UPS ARE SIGNED BY THREE EMPLOEES YOUR supervisor a witness and the person that made the mistake.

On 4/7/20 the State of WI
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EVIDENCE
THE VIOLATION ACTUALL OCCURRED. **Exhibit 2 is one page.**

Smart Warehousing lost a Million dollar account on kind of miss picking orders going out wrong. SWH WAS VERY UP SET WITH WHAT I SAID WAS GOING ON... THEY EVEN THANK ME FOR COMING FORWARD. Exhibit one C.D. on Track 4. SWH IS A HOSTILE WORK ENVIRONMEM DRINKING DRUG USE AND A LOT OF SLEEPING AROUND.

Shema also said that Alan Infante did not like what I said about SWH. Exhibit one C.D. on Track 2.

I explained to him what happened to Myles and he said he heard a little bit about it.

And said i seen a lot of Supervisor come and go. And he seemed to be upset with what I said.

And Shema told me he was really upset about what I said. Exhibit one C.D on Track2

So he started charging my lunch ours and my start times.

Shema explained to me that SWH did not like me taking pictures and recording conversations.

And then on 3/11/20 Smart Warehousing fired me for being a Whistle blower.

Smart warehousing has no employee hand book of rules and regulations because they changed the system so much.

the work rules at smart warehousing was made up as you go on every day it was different rules.

Alan Infante said he talked to me and said Jeff talked to me about me miss picking and on 3/5/20 and 3/6/20 and on 3/9/20 about UPC labels this isn't true. Since Smart Warehousing been open they never had a policy workers hand book. The reason why is because they make up the rules as they go alone the rules constantly changes.

Quincellia Johnson and Londa Joiner worked in the office and they made mistakes after mistake after mistake. And nothing happened to them.

Shema told me that smart warehousing did not like me audio and recording and video things that was going on at smart.

Shema was very concern about SWH retaliating against me in 2018 and I clearly explained to her it's going to get bad for her because she's my star witness. Exhibit one C.D. on Track 2

I tried my very best to explain to H.R. I should have said something sooner I was afraid of losing my job at the time I was 57 years old and I have a 7 year old son and I have to keep a roof over our heads and pay bills.

THEY EVEN THANK ME FOR COMING FORWARD.

It is a fact on March 11, 2020 I was terminated from my employment. I believe that Respondent discriminated against me on the basis of my sex (male), age (1962) and retaliation for my complaint of harassment and whistleblowing complaint, in violation of Title VII of the Civil Rights Act of 1964, as amended and Section 704(a) and the Age Discrimination in Employment act of 1967, as amended and Section 4(d).

IN MILWAUKEE WI I WAS THE BEST EMPLOYEE SMART WAREHOUSING HAD I WAS NEVER LATE ALWAYS FOLLOW ORDERS NEVER MISS A DAY AT WORK. Exhibit 7 SMART WAREHOUSING - PERFORMANCE EVALUATION

SO WOULD LIKE THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN MILWAUKEE DIVISION

TO PLEASE LOOK DEEPER IN THIS VERY SERIOUS MATTER

Attached Exhibit one CD with 4 tracks and 8 Exhibits

Exhibits one C.D. track 2 is Shema was very concern about SWH retaliating against me in 2018 and I clearly explained to her it's going to get bad for her because she's my star witness.

Exhibits 2 is 1 page.

Exhibits 3 is three picture of Myles Gibson acting up at work and I have videos of this.

Exhibits 4 is 4 & 5 two pictures of Shema serious accident.

Exhibits 6 is a Picture of forklift cage band and shrink wrapped to a forklift.

Exhibits 7 is SMART WAREHOUSING - PERFORMANCE EVALUATION 2 pages.

Exhibits 8 is the charge of discrimination letter.

Exhibits 9 is the dismissal and notice of rights letter.

Cordially

Tyrone Ferguson Sr.

9863 W. Brown Deer Rd apt 8

Milwaukee, WI

53224

A handwritten signature in black ink that reads "Tyrone Ferguson". The signature is written in a cursive, flowing style.

10/19/2020